

Exhibit 9

T1-JM-TS

4914

1 Fairstein - People - Direct
2 District Attorney's office.

3 Q How long have you been employed as an Assistant
4 District Attorney?

5 A Almost 18 years.

6 Q Directing your attention to April 20th of 1989.

7 Did there come a time on that date that you went to the
8 20th Precinct?

9 A Yes, there did.

10 Q And at approximately what time did you arrive at the
11 20th Precinct?

12 A A little after 8:30 that evening.

13 Q Ms. Fairstein, are you familiar with the
14 circumstances under which an Assistant District Attorney, from
15 the New York County DA's office is assigned to go to a police
16 precinct and assist or participate?

17 MR. RIVERA: Objection, objection.

18 Q (Continuing) in an investigation?

19 MR. JOSEPH: Objection.

20 MR. BURNS: Objection.

21 THE COURT: Objection sustained.

22 Q Was an Assistant District Attorney assigned to
23 assist in the investigation of this case?

24 MR. JOSEPH: Objection.

25 THE COURT: Overruled.

T2-SC-TS

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1 Fairstein - People - Direct

2 Q Thank you.

3 MS. LEDERER: I have nothing further.

4 CROSS EXAMINATION

5 BY MR. BURNS:

6 Q Good morning, Ms. Fairstein.

7 A Good morning, Mr. Burns.

8 Q Ms. Fairstein, when you went to the 20th Precinct,
9 had Ms. Lederer arrived before you?

10 A Yes, she had.

11 Q What time did you send Ms. Lederer to the 20th
12 Precinct?

13 MS. LEDERER: Objection.

14 THE COURT: I'll let her answer.

15 A I didn't send her there.

16 Q What time did you assign her in relation to this
17 investigation?

18 A I believe it was around 9:15 on the morning of April
19 20th.

20 Q Do you know what time she left to go to the 20th
21 Precinct?

22 A More or less, yes.

23 Q What time was that?

24 A I believe it was about eight o'clock that evening.

25 Q Now, had -- did the police department or any

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1 Fairstein - People - Cross - Burns
2 representatives of the police department ask for your
3 assistance in connection with this investigation?

4 MS. LEDERER: Objection.

5 THE COURT: I'll allow it.

6 A Yes, they did ask for our assistance.

7 Q At what point was that?

8 MS. LEDERER: Objection.

9 THE COURT: I'll allow it.

10 A They first --

11 Q No. When was the first time they asked for the
12 assistance of the District Attorney's Office in relation to
13 this investigation?

14 A When I was called at nine o'clock on the morning of
15 the 20th, I was told I would be asked later in the day for
16 assistance.

17 Q You were called by a police department
18 representative?

19 A That's right.

20 Q And was it a person who was in charge of the
21 investigation?

22 MS. LEDERER: Objection.

23 THE COURT: I'll let her answer.

24 A It was one of the supervising officers, yes.

25 Q When you arrived at eight o'clock -- I'm sorry, 8:30

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1 Fairstein - People - Cross - Burns

2 ---

3 A A little after 8:30.

4 Q -- Ms. Lederer was already there, is that right?

5 A Yes.

6 Q And you went inside and went up to the 2nd floor
7 detective room?

8 A Yes, I did.

9 Q Ms. Lederer was there?

10 A Yes, she was.

11 Q Had any video begun?

12 A No.

13 Q Had any questioning or talking to people, had any of
14 that begun at the time that you arrived?

15 MS. LEDERER: Objection.

16 THE COURT: If she knows, I'll let her answer.

17 A Yes, it had.

18 Q At any time prior to your arrival, did you have
19 occasion to go to Metropolitan Hospital?

20 A No, sir.

21 Q And did you have an occasion to speak to the
22 officers who had -- the officers who had discovered the body
23 of the female jogger?

24 MS. LEDERER: At what point?

25 Q Prior to your arrival at the precinct, at

T2A-SC-TS

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1 Fairstein - People - Cross - Burns
2 approximately 8:30 in the evening of the 20th.

3 A Prior to my arrival, no.

4 Q Incidentally, the telephone call that you received
5 about nine o'clock, that was in relation to asking the
6 District Attorney's Office for assistance in connection with
7 the investigation relative to the female jogger?

8 A In part, yes.

9 Q You're the -- were any other units of the District
10 Attorney's Office called?

11 MS. LEDERER: Objection.

12 Q To your knowledge?

13 MS. LEDERER: Objection.

14 THE COURT: I'll allow it.

15 A Yes.

16 Q Well, you're the Head of the Sex Crimes Unit, right?

17 A Yes.

18 Q Was there any other sex crime that was being
19 investigated, in connection with Central Park?

20 MS. LEDERER: Objection.

21 THE COURT: Sustained.

22 Q Your participation, as the Chief of the Sex Crimes
23 Unit, when you were called, wasn't that in connection with the
24 investigation relative to the, to the female jogger?

25 A Yes.

1 T-3 Reynolds-Ppl-cross (Rivera) 909
2 the Assistant District Attorneys and all sworn
3 jurors are present.

4 THE COURT: All right, good afternoon, ladies
5 and gentlemen.

6 THE CLERK: Officer Reynolds, may I remind you
7 you're still under oath.

8 THE WITNESS: Yes.

9 CONTINUING CROSS EXAMINATION
10 BY MR. RIVERA:

11 Q Officer, before we broke, you indicated to us that
12 there was some chiefs and members of the press that were
13 present at the Central Park Precinct; is that correct?

14 A Yes.

15 Q And is that unusual to see top brass at the Central
16 Park Precinct during an arrest?

17 A There is not a lot of arrests there, so, but yeah,
18 I would say it is. Slight.

19 Q Under normal circumstances would it be unusual to
20 see a high member of the brass at any precinct when youths
21 are arrested?

22 MS. LEDERER: Objection.

23 THE COURT: I'll allow it.

24 A It depends on the precinct.

25 Q Are there some precincts where this would not be

E. C. Davis

1 T-3 Reynolds-Epl-cross (Rivera) 910

2 unusual?

3 MS. LEDERER: Objection.

4 A Yes.

5 Q What about the Central Park Precinct, is this
6 unusual at the Central Park Precinct?

7 A Slightly, yes.

8 Q And the same applies for the members of the press?

9 A Yes.

10 Q Is this the first time you make an arrest where you
11 have that kind of brass and that kind of press present?

12 A Yes.

13 Q And at what point in time were you apprised that
14 there case was going to have special significance within the
15 modus operandi of the Police Department.

16 MS. LEDERER: Objection.

17 THE COURT: Sustained.

18 Q Were there any Assistant District Attorneys present
19 at any time when you were involved in this case between
20 April the 19th and April the 20th?

21 MS. LEDERER: Objection.

22 THE COURT: I'll let him answer.

23 A Yes.

24 Q And would that about A.D.A. Lederer?

25 A Yes.

H. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera) 911

2 Q And was there also an A.D.A. Fairstein?

3 A Yes.

4 Q Were there any other members of the District
5 Attorney, District Attorney present, particularly any
6 Assistant District Attorney?

7 A I don't think so.

8 Q And when for the first time did you see an
9 Assistant District Attorney on this matter?

10 A The night of the 20th.

11 Q Prior to the evening of the 20th, you had not seen
12 any A.D.A.s?

13 A Regarding this matter?

14 Q Regarding this case.

15 A No.

16 Q Did you see them in the building or any other
17 buildings involved in the case?

18 A No.

19 Q Prior to the 20th?

20 A No.

21 Q Officer, you testified that you spoke to a police
22 officer Alvarez; is that correct?

23 A Yes.

24 Q And police officer Alvarez informed you of an
25 assault on an individual; is that correct?

H. C. Davis

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1 at two precincts. 15:45:53

2 Q. Others were concerned about what 15:45:56

3 else? 15:45:59

4 A. Other officers I didn't know who 15:45:59

5 were in a similar position, who were not 15:46:06

6 being interviewed and expressed to my 15:46:09

7 former colleagues that they had 15:46:14

8 information they wanted to give to her, 15:46:17

9 her being Ms. Ryan. 15:46:20

10 Q. Do you know what officers 15:46:22

11 communicated with your former colleagues 15:46:24

12 to express that opinion or those opinions? 15:46:26

13 A. As I sit here today, I don't 15:46:29

14 know. I knew in 19 -- I'm sorry, I knew 15:46:31

15 some of the names in 2002. 15:46:36

16 Q. Did you take notes when you were 15:46:38

17 having these conversations with people in 15:46:40

18 the District Attorney's office who were 15:46:42

19 expressing their concern? 15:46:43

20 A. Not that I can think of. 15:46:46

21 Q. I guess we can go to April 20th 15:46:49

22 now for awhile. Fiston called you what 15:47:15

23 time in the morning? 15:47:22

24 A. As I recall, between 8:30 and 15:47:24

25 nine o'clock in the morning. 15:47:27

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1	Q.	At that time, did you know	15:47:29
2		anything about the events in Central Park	15:47:32
3		on April 19th?	15:47:35
4	A.	I don't believe that I did.	15:47:36
5	Q.	You saw nothing on television,	15:47:38
6		you heard nothing from other sources?	15:47:41
7	A.	I didn't see anything on	15:47:44
8		television the night of the 19th. I may	15:47:46
9		have heard a news, radio news report in	15:47:50
10		the morning, not about a rape, but about a	15:47:53
11		riot.	15:47:58
12	Q.	Do you know why Fiston called?	15:47:59
13	A.	Yes, I do.	15:48:05
14	Q.	Why?	15:48:06
15	A.	He called me shortly before nine	15:48:07
16		to tell me that a woman had been found	15:48:10
17		beaten, and presumably because of her	15:48:22
18		state of undress, sexually assaulted in	15:48:24
19		the ravine, and he had been called in	15:48:28
20		because there had been no sexual assault	15:48:34
21		allegation until that woman reached the	15:48:38
22		hospital.	15:48:40
23	Q.	What else did he tell you?	15:48:41
24	A.	He told me that the woman was as	15:48:47
25		yet unidentified, and he asked me in the	15:48:52

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1 usual course of prosecutorial business if 15:48:57
2 I would assign a prosecutor to work on the 15:49:00
3 prosecutorial events that might happen 15:49:06
4 later in the day because there were 15:49:14
5 already were suspects being questioned. 15:49:16
6 Q. Did you make any notes about 15:49:22
7 this conversation? 15:49:24
8 A. No. 15:49:25
9 Q. Did you create any memorandum 15:49:25
10 afterwards about this conversation? 15:49:29
11 A. Not that I recall. 15:49:30
12 Q. Did he tell you anything else? 15:49:31
13 A. At that time, only that we 15:49:35
14 discussed that I would get back to him 15:49:39
15 with the name and number of the Assistant 15:49:41
16 DA, and that I would tell the District 15:49:44
17 Attorney. 15:49:46
18 Q. Did you understand that Fiston 15:49:46
19 was calling you in line with the 15:49:48
20 arrangement that you and Morgenthau had 15:49:50
21 made, that whenever there was a rape in 15:49:53
22 New York City, you should be contacted? 15:49:55
23 A. Not exactly. 15:49:57
24 Q. Why do you say that? 15:49:58
25 A. Because it was not just a call 15:50:00

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1 to give me information. It was a call in 15:50:04
2 which he was asking for the help that we 15:50:07
3 provide in the instant moment. 15:50:12
4 Q. Fiston was calling you, right, 15:50:14
5 right? 15:50:17
6 A. Fiston did call me. 15:50:17
7 Q. Right? 15:50:19
8 A. Yes, sir. 15:50:21
9 Q. And the reason Fiston called you 15:50:21
10 about a rape was the arrangement you and 15:50:24
11 Morgenthau had made with Fiston that you 15:50:27
12 should be called about every rape; is that 15:50:29
13 correct? 15:50:32
14 MS. DAITZ: Objection. 15:50:32
15 A. No, sir. 15:50:32
16 Q. Why is that not correct? 15:50:33
17 MS. DAITZ: Let her answer the 15:50:35
18 question this time. 15:50:37
19 Q. Why is that not correct? 15:50:37
20 A. Because the practice that 15:50:39
21 Morgenthau and I had requested to have 15:50:41
22 with Mr. Fiston and other officers was for 15:50:45
23 the information of a case. 15:50:49
24 So if a rape had happened on 15:50:50
25 4/15 on East 30th Street and it wasn't 15:50:51

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1 solved, we'd know and have it under our 15:50:55
2 roof as well. 15:51:00

3 On this morning when he called 15:51:01
4 me, he was calling to ask me to assign a 15:51:03
5 prosecutor now for the purpose, as we ride 15:51:06
6 homicides and sex crimes as the expression 15:51:13
7 is called, to have a prosecutor to be 15:51:15
8 available to him within hours to help with 15:51:19
9 the prosecutorial steps that would be 15:51:21
10 taken at the station house. 15:51:24

11 Q. So it's your answer that the 15:51:26
12 call that Fiston made to you had no 15:51:29
13 connection with the arrangements that you 15:51:32
14 and Morgenthau had made with Fiston to 15:51:33
15 call and advise you about a rape, whether 15:51:37
16 or not a person had been arrested? 15:51:39

17 MS. DAITZ: Objection. You can 15:51:41
18 answer. 15:51:43

19 A. Those are not my words, sir. I 15:51:43
20 didn't say they had no connection. I said 15:51:46
21 this was for a much more urgent purpose. 15:51:48
22 It might also have served that use, hello, 15:51:51
23 this is the event that happened this 15:51:55
24 morning. 15:51:57
25 On top of that, there was a much 15:51:58

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1 more urgent need. He wanted a prosecutor 15:52:00
2 assigned, that was the main purpose of the 15:52:04
3 call. 15:52:06

4 Q. Did he tell you that it appeared 15:52:06
5 that a homicide was involved? 15:52:08

6 A. No, he didn't tell me that. He 15:52:09
7 told me that the victim was in very grave 15:52:12
8 condition. 15:52:18

9 Q. The question I think I forgot to 15:52:19
10 ask you earlier when you spoke of one 15:52:21
11 person who had knowledge about the 15:52:23
12 investigation from Ryan, who was that? 15:52:26

13 A. Lisa Friel. 15:52:30

14 Q. Did you know what she had 15:52:31
15 learned from Ryan and how she knew about 15:52:36
16 it? 15:52:38

17 A. I knew some of the things she 15:52:39
18 learned from Ryan. 15:52:42

19 Q. What did you learn from Friel? 15:52:43

20 A. I knew from Friel the point at 15:52:45
21 which Ryan no longer wanted Mooney 15:52:55
22 involved in the investigation. 15:52:59

23 I knew from Friel that she, that 15:53:00
24 on a day, I came to know from Friel that 15:53:03
25 on a date that Ryan arranged with Mooney 15:53:08

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